IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

**O R D E R**

Basant Bhaskar Vs. State of Rajasthan & Ors.

**S.B.CIVIL WRIT PETITION NO.1417/2004**

DATE OF ORDER :: February 15, 2007

**PRESENT**

**HON'BLE MR.JUSTICE H.R.PANWAR**

Mrs. Nupur, for the petitioner.
Mr.Rameshwar Dave, Dy.G.A.

**BY THE COURT:**

By the instant writ petition under Article 226 of the Constitution of India, the petitioner seeks a direction to the respondents to award 15 bonus marks for participating in national level sports competition.

Learned Deputy Government Advocate submits that the controversy involved in the instant writ petition stands concluded by a Division Bench decision of this Court in State of Rajasthan & Ors. vs. Raees Ahmed Qureshi, D.B.Civil Special Appeal No.450/2006 and State of Rajasthan & Ors. Vs. Akshay Singh Rathore, D.B.Civil Special Appeal No.751/2006 decided on

14.11.2006, whereby this Court held that the participation in inter zonal sports is not the national level sports competition and therefore, 15 bonus marks is not awardable for the certificate showing such participation. Affirming the decision of the learned Single Judge rendered in the writ petition under challenge before the Division Bench, dismissed the special appeal.

In Ganesha Ram vs. State of Rajasthan & Ors. (D.B.Civil Special Appeal (Writ) No.195/2004, a Division Bench of this Court held that to qualify for bonus marks, the tournament must be one in different universities participate either within the same zone or different zone. Participation in any competition between different universities within the same zone would fetch 10 bonus marks. It was further held that in the circular dt. 31.7.2003, there is no mention of any "inter-college" tournament or competition and therefore, for such participation award of 15 bonus marks cannot be claimed. While distinguishing the decision of Division Bench of this Court in State of Rajasthan & Ors. Vs. Umesh Jangid & 19 Ors., 1998(1) Western Law Cases (Raj.) 287, it was held that recruitment was made when the circular dt. 31.7.2003 was in force and, therefore, there cannot be any doubt that the present recruitment was governed by the said circular, whereas in case of State of Rajasthan & Ors. vs. Umesh Jangid & 19 Ors. (supra), which was decided in 1998, the

circular dt. 31.7.2003 was not in force.

In State of Rajasthan & Ors. vs. Raees Ahmed Qureshi (supra), a division Bench of this Court held that to qualify for 15 bonus marks the event must be between different universities of different zones. The submission that the respondent-therein represented the Maharshi Dayanand Saraswati University, a university falling within west zone and the event being at Gulbarga Univesity, Gulbarga, the tournament, therefore, should be held to be inter zonal tournament appears to be attractive but it is not possible to go behind the certificate. As mentioned at the outset in terms of the advertisement dt. 28.7.2003 bonus marks were to be awarded on production of certificate. The certificate therefore, has to be taken on its face value.

In the instant case, the petitioner has been awarded 10 bonus marks, whereas he claims 15 bonus marks on the strength of the certificate Annexures-5 showing that the petitioner participated in inter university west zone tournament and such participation cannot be said to be a participation in national level sports but at best it can be said to be a participation at the State level and, therefore, in my view the claim of the petitioner seeking 15 bonus marks on the strength of this certificate cannot be accepted.

In this view of the matter, the petitioner is not entitled for 15 bonus marks for participating in sports competition and, therefore, I do not find any merit in the instant writ petition. The writ petition is, therefore, dismissed in terms of the Division Bench decision in State of Rajasthan & Ors. vs. Raees Ahmed Qureshi, D.B.Civil Special Appeal No.450/2006 and State of Rajasthan & Ors. Vs. Akshay Singh Rathore, D.B.Civil Special Appeal No.751/2006 decided on 14.11.2006. Stay petition also stands dismissed.

There shall be no order as to costs.

(H.R.PANWAR),J.

m.asif/-